

ORDINANCE # _____

**TOWN OF NEWPORT
ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ORDINANCE**

The Town Board of the Town of Newport, Columbia County, Wisconsin does hereby ordain as follows:

SECTION 1. Title and Purpose. The title of this ordinance is the Town of Newport All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this Ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town. This Ordinance fully supersedes and replaces Town of Newport Ordinance 2021-001.

SECTION 2. Authority. The Town Board of the Town of Newport, Columbia County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under §23.33(8) (b) and (11), Wis. Stats.

SECTION 3. Adoption of Ordinance. This Ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the town, designates all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and all-terrain vehicles and utility terrain vehicles in the town.

SECTION 4. Adoption of State Regulations and Definitions. Pursuant to Sec. 23.33(1) (a), Wis. Stats., the regulations and definitions with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in Sec. 23.33, Wis. Stats., Ch. 340 through 348, Wis. Stats., and NR 64, Wis. Adm. Code, and any future amendments or revisions, are hereby adopted by reference and incorporated by reference as if fully set forth herein.

SECTION 5. Operation of All-Terrain Vehicles and Utility Terrain Vehicles only on Designated Roads. Pursuant to §23.33(4)(d)(4), Wis. Stats., except and otherwise provided in §23.33(4), Wis. Stats., no person may operate an all-terrain vehicle and utility terrain vehicle on the roadway portion of any Town highway or road in the town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance.

SECTION 6. Designation of All-Terrain and Utility Terrain Vehicle Routes. All Town highways and roads are designated all-terrain vehicle and utility terrain vehicle routes in the town. All all-terrain vehicle and utility terrain vehicle routes shall be subject to regular review by the Town Board, and designated routes may be adjusted or withdrawn if the Town Board determines that to be in the public interest.

SECTION 7. Route Markers. ATV and UTV roadway routes shall be marked with uniform signage, applicable to both ATV and UTV operations, as prescribed under State law. ATV and UTV routes shall not be open for operation until such route markers have been installed. No person shall do any of the following in regard to signs marking Town of Newport ATV and UTV routes:

- a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the State of Wisconsin, any local government or any authorized individual or organization.
- b. Possess any uniform ATV or UTV route or trail sign or standard of the type established by the Wisconsin Department of Natural Resources for the warning, instruction, or information of the public, unless he/she obtained the uniform ATV or UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

SECTION 8. Operating of All-Terrain Vehicles and Utility Terrain Vehicles. Operation of all-terrain vehicles and utility terrain vehicles on Town highways and roads under this ordinance shall be subject to the following:

A. Operation shall be subject to the all provisions of 23.33, Wis. Stats., which are hereby adopted as part of this ordinance by reference, pursuant to §23.33(11), Wis. Stats.

B. The following additional restrictions are placed on the use of the all-terrain vehicle and utility terrain vehicle routes designated by this Ordinance, pursuant to Wis. Stat. §23.33(11):

1. All all-terrain vehicle and utility terrain vehicle operators shall operate at a safe speed not to exceed 35 miles per hour or observe posted all-terrain vehicle and utility terrain vehicle roadway speed limits, whichever is less.

2. All-terrain vehicles and utility terrain vehicles may be operated on Town highways/roads under this ordinance between 6:00 A.M. and 11:00 P.M.

3. All-terrain vehicles and utility terrain vehicles must operate with fully functional headlights, taillights and brake lights. Lights must be on at all times.

4. All-terrain vehicle and utility terrain vehicle operators shall ride in single file on the extreme right-hand side of the paved portion of the road, highway or traffic lane. Left turns may be made from any part of the road or highway when it is safe.

5. Every person who operates an all-terrain vehicle or utility terrain vehicle on any segment of a road or highway which is designed as an all-terrain vehicle or utility terrain vehicle route shall have in his or her immediate possession a valid motor vehicle operator's license and if born after January 1, 1988, possess a valid ATV Safety Certificate issued by a Wisconsin or any other state or province. The all-terrain vehicle/utility terrain vehicle operator shall display the operator's license and safety certificate upon demand from any law enforcement office.

6. No operator or passenger of an all-terrain vehicle or utility terrain vehicle may possess, in or on an all-terrain vehicle or utility terrain vehicle on any road or highway designated as an all-terrain vehicle or utility terrain vehicle route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.

7. All all-terrain vehicle and utility terrain vehicle equipment is required to have applicable liability insurance and have proof of insurance.

8. All persons under the age of 18 operating and/or riding on an all-terrain vehicle or utility terrain vehicle must wear protective headgear of the type required under Wis. Stats. 23.33(3g).

SECTION 9. Enforcement. This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

SECTION 10. Penalties. The penalties under § 23.33(13), Wis. Stats., are hereby adopted by reference.

SECTION 11. Severability. If any provision on this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 12. Notifications. A copy of this ordinance shall be sent by the Town Clerk to the Columbia County Sheriff's Department and to the Wisconsin Department of Natural Resources.

SECTION 13. Effective Date. This Ordinance shall be effective upon publication and posting. The Town Clerk shall properly publish this ordinance as required under §60.80, Wis. Stats.

Adopted this _____ day of _____, 2023

By the Town Board of the Town Newport,
Columbia County, Wisconsin

By: _____
Mathew Brunn, Chair

Pat Beghin, Supervisor

Christopher Davis, Supervisor

Attest: _____
Christine Graap, Town Clerk

